* ZONING COMMISSIONER * OF BALTIMORE COUNTY 9th Election District * Case No. 94-106-AA 4th Councilmanic District

William Lee Gaines, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance and special variance filed by William Lee Gaines and Emma V. Gaines, his wife, for that property known as 1610 Ruxton Road in the Ruxton Woods subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.A.2 and 1B01.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft., in lieu of the required 40 ft., for an addition; and to amend the First Amended Final Development Plan of Ruxton Woods. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this /4 day of October, 1993 that the Petition for a Zoning Variance and Special Variance from Sections 1802.3.A.2 and 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 ft., in lieu of the required 40 ft., for an addition; and to amend the First Amended Final Development Plan of Ruxton Woods, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

EXAMPLE 3 - Zoning Description - 3 copies

Beginning at a point on the $\frac{NORTH}{(north, south, east or west)}$ side of $\frac{RUXTON}{RD}$

centerline of the nearest improved intersecting street ________(name of street)

Block _____, Section # _____ in the subdivision of

Book # 37 , Folio # 83 , containing

(number of feet) (north, south, east or west)

Ruxton Woods (name of subdivision) (name of subdivision)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision

description as shown, instead state: "As recorded in Deed

Liber _____, Folio ____ " and include the measurements and directions (metes and bounds only) here and on the plat in the

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18

27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

description. Use this fill-in format provided whenever possible; otherwise, type or

Councilmanic District 4

(number of feet of right-of way width)

Three copies are required. Copies of deeds cannot be used in place of this

ZONING DESCRIPTION FOR _____ 1610 Ruxton Road

Election District 9

print on 8-1/2" x 11" sheet.

(street on which property fronts)

13,000SF/.298 Acres

(square feet and acres)

wide at a distance of

Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887 4386

October 14, 1994

Mr. and Mrs. William Lee Gaines 1610 Ruxton Road Baltimore, Maryland 21204

RE: Petition for Administrative Variance Case No. 94-106-AA Property: 1610 Ruxton Road

Dear Mr. and Mrs. Gaines:

Enclosed please find the decision rendered in the above captioned 'case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Zoning Commissioner

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at

which is presently sound 18 . This Petition shall be filed with the Office of Zoning Administration & Development Management The undersigned legal owneries of the property situate in Bedimine County and which is described in the description and plat after two The undersigned legal owner(s) or too proberty an use or personal section is a second made a part hereof, hereby petit or for a Variance from Sections. . . .1801.2.C.4 (Bill 166 - 1976); BCZP, to permit a rear yard cetta x of 36 ar. lieu of the required 40' and to amend the first amended fibes development plan. of the Zoning Regulations of Batteriore Courty, to the Zoning Law of Bart more Courty, to struct in wing reasons and latertainting 311 Actional Pales

Property is to be posted and advertised as prescribed by Zoning Regulations. I go we agree to pay expenses of above Variance advertising poeting etc. upon ting of this path in and further agree to an dialect be bound by the zoning regulations and restrictions of Bathmore County ad stred pursuant to the Zuring Law for Bathmore County

> William Inc Garages Willow Fee Gran

Emma V. Gaine Attorney for Dark 1610 Huxton, Haar

> Maryland class

A Fublic Hearing having been requested and or laund to be required it is ordered in the injury in terms in emittering the that the white former gives year of the more expression of the property of the property of the property of the more expression of the property Tale was expected to the

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-106-FA

| Date of Posting 9/14/93 Posted for: Variance Postitioner: William 1 + Frank V. Galiner Location of property: 1610, N/S Rux for Phy 170' W/s Rux loa CT |
|---|
| estioner: William I Town V. Galino. |
| |

Zoning Administration & Development Management 111 (Vest Chesapeaka Avenue

Date 9/9/93 1610 RUXTON RD. BAUTO, MD. 21204

030-5P4 -# 50°C

03AO3HO22ONICHRC BA_C011129AND9-09-93

Account: R-001-**6150**

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at ______1610 Ruxton Road

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) In order to accomplish single floor living, we need to find laundry space on the first floor and an enlarged kitchen. This is the only practical location for this addition. It would either have to violate the rear or side setback requirement, and we felt the rear was the more desireable alternative.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

1 HEREBY CERTIFY, this 4 day of Steptowlers, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Skilliam La Haines and Comma V. Haines

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabuve set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal. September 4 1993

Hene Q. albem My Commission Expires: August 1 1995

22" W. 80 ft. to the place of beginning.

ITEM# 189

913-106-AA

TOTAL = # 850

Please Make Checks Payable To. Baltimore County

010 - VARIANCE - \$ 5000 080 - 516N - \$ 2500

Zoning Administration & Devolopment Management

Tell Franciscapouke is enue. Ten son, Meryland 21204

SIN KUXTON RD.

100. 111 21204

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

October 4, 1993

Mr. and Mrs. William Lee Gaines 1610 Ruxton Road Towson, Maryland 21204

111 West Chesapeake Avenue

Towson, MD 21204

RE: Case No. 94-106-AA, Item No. 109 Petitioner: William Lee Gaines, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Gaines:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 7, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel



Q. James Lighthizer Hal Kassoff Administrator

9-16-93

(410) 887-3353

MS, CHARLOTTE MINTON Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Toward Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is _____ Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., BaltImore, Maryland 21203-0717

> **Baltimore County Government** Office of Zoning Administration

and Development Management

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above number. Contact made with this office recording the status of this case, should reference the case number and

1) Your property will be posted on or before September 27, 1993 . The closing date (October 12, 1993) is

the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file

will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) great the requested relief, (b)

dany the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive

written notification as to whether or not your petition has been granted, desied, or will go to public hearing.

2) In cases requiring public bearing (whether due to a neighbor's formal request or by Order of the

Commissioner), the property will be reposted and notice of the bearing will appear in a Baltimore County

3) Please be advised that you must return the sign and post to this office. They may be returned after the

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE

PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS

ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER

assuppper. Charges related to the reposting and newspaper advertising are purphle by the petitioner(s).

closing date. Failure to return the sign and post will result in a \$60.00 charge.

WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 22, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item No. 109.

• • •

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ZAC. 109/PZONE/ZAC1

Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue SEPTEMBER 28, 1993

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

Towson, MD 21204

ZONING AGENDA - Formal or Informal Response Due September 27, 1993

RE: Property Owner: William Lee Gaines and Emma V. Gaines Location: #1610 Ruxton Poad Item No.: *109 (RT) No Comments.

RE: Property Owner: Alice Trent Location: #9 Compass Poad Item No.: *110 (RT) No Comments.

RE: Property Owner: Mitcherling and Mitcherling, D.D.S., P.A. Location: #1414 Shore Poad Item No.: 111 (WCR) No Comments.

RE: Property Owner: Park School Location: Park School

> Item No.: + 112 (WCR) Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

> 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 Edition prior to occupancy.

RE: Property Owner: Stanley G. Souranis and Annette N. Souranis Location: #1405 Mt. Airy Road Item No.: *114 (JLL) No Comments.

RE: Property Owner: Domenick William Filleti and Mary Elizabeth Filleti Location: #7815 Seaside Road Item No.: *115 (RT)

RE: Property Owner: Frederick J. Burgesen and Michelle & Burgesen

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

October 19, 1993

(410) 887-4386

Mr. and Mrs. William Lee Gaines 1610 Ruxton Road Baltimore, Maryland 21204

> RE: Petition for Administrative Variance Case No. 94-106-AA Property: 1610 Ruxton Road

Dear Mr. and Mrs. Gaines:

Reference is made to your request for an administrative variance for the property located at 1610 Ruxton Road in Towson. I trust that you have received a copy of my Order dated October 14, 1993, which granted your request. It has come to my attention that there has developed a certain amount of confusion about the approved variance. In order to eliminate that confusion, this letter shall serve as confirmation that the construction of the proposed one story addition, as shown on the site plan, is approved from a zoning standpoint.

Apparently, the confusion arose as a result of the method used to determine the rear yard setback. On the site plan originally submitted, a line was drawn from the northeast corner of the addition to the closest point on the rear property line. This distance is measured at approximately 22 ft. However, the Zoning Technician, who accepted your filing, recomputed the setback by drawing a perpendicular line from the rear foundation line to the rear property line. This distance measures 30 ft. However computed, it is the intent of my Order to approve the variance requested so as to permit construction of the addition as proposed. Thus, the site plan to accompany the Petition for Zoning Variance, marked as Petitioners' Exhibit No. 1, shall be controlling.

Kindly contact mc if you have any questions regarding this matter.

Zoning Commissioner

Very truly yours,

Call Jake

11 West Chesapeake Avenue

William Lee Gaines and Emma V. Gaines

CASE NUMBER: 94-106-AA (Item 109)

M/S Ruston Road, 120' W/S of c/l Ruxles Court

9th Election District - 4th Councilmanic

1610 Ruxton Road

1610 Ruxton Road

Towson, Haryland 21204

Towson, MD 21204









